

MINUTES OF THE MEETING OF
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,
NAIL TECHNOLOGY, AND BODY ART

July 11, 2016

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chairperson, Becky Pettigrew, at 10:35 a.m., in Lower Level Conference Room A, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

The following members answered roll call:

Bridget Anderson	-	Member
Ann Casement	-	Member
Sandra Christie	-	Member
Vicki Criswell	-	Secretary
Lyra Faltys	-	Member
Melanie Judkins	-	Vice-Chair
Ruth Lucas	-	Member
David Newson	-	Member
Becky Pettigrew	-	Chair

Members Absent:

Pamela Rowland	-	Member
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Others Present:

Ami Huff, Assistant Attorney General
Dennis Scott, Investigator
Carla Cue, Investigator
Sherri Lovelace, Investigator
Susan Aerni, Investigator
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Newson moved, seconded by Faltys, to adopt the agenda. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (9). Voting nay: None (0). Absent: Rowland (1). Motion carried.

3. APPROVAL OF MINUTES (3-7-16, 5-2-16, 6-6-16 conference call)

There was a correction to the 3-7-16 minutes where it should state Huff departed the meeting at 12:05 p.m.

MOTION: Faltys moved, seconded by Criswell, to approve the minutes of 3-7-16 as corrected and the minutes of 5-2-16 and 6-6-16. A roll call vote was taken. Voting aye: Anderson, Casement, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (9). Voting nay: None (0). Abstain: None (0). Absent: Rowland (1). Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Newson moved, seconded by Christie, to enter into closed session at 10:39 a.m. for the purpose of hearing discussions of a confidential nature and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Anderson, Casement, Chrisite, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (9). Voting nay: None (0). Absent: Rowland (1). Motion carried.

11:17 a.m.	-	Scott, Cue, Lovelace and Aerni departed meeting
11:41 a.m.	-	Break
11:55 a.m.	-	Meeting resumed
		CJ Roberts, Department attorney entered meeting
		Huff departed meeting
12:26 p.m.	-	Casement departed (conflict)
12:44 p.m.	-	Roberts departed meeting
12:45 p.m.	-	Casement and Huff entered meeting
1:03 p.m.	-	Casement departed meeting

MOTION: Faltys moved, seconded by Judkins, to return to open session at 1:06 p.m. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Absent: Casement, Rowland (2). Motion carried.

5. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Initial Licensure/Reinstatement/Convictions/Administrative Penalties

Juan Soriano – Tattoo Artist

MOTION: Lucas moved, seconded by Criswell, to recommend offering a probationary license with 6 month probation, to include the standard terms and conditions and the following: successfully pass the jurisprudence examination. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Miranda Collins - Esthetician

MOTION: Judkins moved, seconded by Newson, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Rachelle Grof - Cosmetologist

MOTION: Newson moved, seconded by Anderson, to recommend offering a probationary license with 1 year probation, to include the standard terms and conditions and the following: no solo practice and quarterly employer reports. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Laura Lessig - Cosmetologist

MOTION: Judkins moved, seconded by Lucas, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Yudit Matos - Cosmetologist

MOTION: Faltys moved, seconded by Newson, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Christie, Faltys, Judkins, Lucas, Newson, Pettigrew (6). Voting nay: Anderson, Criswell (2). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Nicole Treacle – Nail Technician

MOTION: Newson moved, seconded by Lucas, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson (7). Voting nay: Pettigrew (1). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried

Walter Taylor – Cosmetologist Reinstatement from Discipline (voluntary surrender)

MOTION: Anderson moved, seconded by Newson, to recommend offering a probationary reinstated license with 2 year probation, to include the standard terms and conditions and the following: no solo practice, quarterly employer reports, follow the evaluation recommendations, random body fluid screens, abstain from alcohol/drugs, and successfully pass the jurisprudence examination within the first 6 months. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

Janine Brignola – Reinstatement from Discipline (modification of probation terms and conditions)

MOTION: Anderson moved, seconded by Judkins, to table the application and request additional information. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Judkins, Lucas, Newson, Pettigrew (8). Voting nay: None (0). Abstain: None (0). Absent: Casement, Rowland (2). Motion carried.

6. NEW BUSINESS

a. 2017 Legislation Proposals

Chiles reported she submitted a legislative proposal to the Department based on the changes proposed in regulations that the Board had been working on. Proposed changes include:

- Apprenticeship for body art
- Eliminate cosmetic establishment
- Revise the definitions of school of cosmetology and school of esthetics to include that a school is a 'postsecondary educational institution'
- Eliminate definition of an electrology establishment
- Increase the hours of training for esthetics from 600 to 1000
- Add "removal services" to the definition of nail technology
- Eliminate guest artist registration
- Remove language relating to clients consuming intoxicating beverages in salons, but keep the language that restricts use by employees
- Clean up language relating to operating requirements for schools (i.e.: student registration, types of students, etc.)
- Update section on intrastate transfer of cosmetology/esthetic/nail technology students
- Require only the owner to be liable for activities within schools (remove liability from the manager)

b. Correspondence/Issues

- Microblading (permanent color tech or body artist?)

Criswell reported estheticians went to a show in Las Vegas on microblading and now want to know how they can become permanent color technicians. Microblading is a form of permanent makeup using needles. After discussion, the Board's position was that an individual must be licensed as a permanent color technician to do microblading.

NOTE: Advisory statements are issued by the Board of Cosmetology, Electrology, Esthetics, Nail Technology and Body Art for informational purposes only; they are NOT legal opinions and are non-binding. The advisory opinions define acts, which in the opinion of the board, are or are not permitted in the practice of cosmetology and/or esthetics.

Chiles presented information on the process improvement process the Department was undertaking. She stated the website was being redesigned to make it simpler and there would be a Board advisory page and a FAQ page. The plan is to have the revised website go live by 8-15-16.

Chiles reported that process improvement is starting in her area for the professions of mental health and alcohol and drug counseling. They are trying to make the application simpler and sent out the application to current licensees, schools and employers asking what areas were difficult. Based on feedback, the applications will be revised and then will see if it makes a difference in processing. Chiles reported she was involved in process improvement for nursing and initially applications coming in were 83% incomplete and after input and revision of the application, they were coming in 4% incomplete. Chiles reported she visited nursing schools which she believed to be beneficial. The initiative is to have government run more like a business.

Chiles reported there was a new phone line in her area to handle calls specific to the mental health type professions with the original line being for cosmetology related professions.

Chiles reported she had to complete a Board and Commissions Survey. The survey asked what the Board accomplished in the last 4 years. She stated some of the items reported were:

- Contracted for inspectors
- Revised applications
- Website
- Added Indoor Tanning
- Increased the number of new licenses by 6656 during the last 4 years

c. Body Art, Cosmetology, Electrology, Esthetics, Nail Technology, Indoor Tanning Facilities

Body Art – Judkins reported that there was a thrift store that was selling tattoo equipment.

Cosmetology – Newson reported renewals were this year in December. Criswell reported esthetics renewal was in September. There was a discussion about the cost of putting on continuing education and that organizations were no longer offering continuing education training.

Electrology – There was nothing to report.

Esthetics – Criswell reported that she read an article regarding LGBT employees. She stated the article talked about a client asking for a female massage therapist but found out the massage therapist was really a man and the client was upset. The article talked about the employer deciding if they will support the LGBT employee or the client. Criswell stated professions will have to address how they will deal with this in the future.

Nail Technology – Pettigrew reported she had seen a TV show on Drug Court and found it very enlightening. The show discussed the struggles of keeping a job when the person has to leave to get drug tested.

Indoor Tanning Facilities – Pettigrew reported the conference was in October in Nashville but she did not know if she would be attending. She summarized an article in the Indoor Tanning Association (ITA) magazine that talked about the FDA moving forward on final rules and the ITA and ASA requesting a meeting with FDA officials. The article discussed that the FDA did not understand how small the industry was compared to six years ago.

Chiles reported that Cindy Kaup had completed all her inspections and that the intent is to re-contract with her. Jeff Pippitt is still working on completing his inspections.

7. REPORTS/UPDATES

a. National-Interstate Council of State Boards of Cosmetology

Faltys reported she will be attending the annual meeting and the final agenda should be out by the middle of July.

b. Disciplinary/Non-Disciplinary Action Report

Chiles distributed the report.

c. Statistics: Examinations / Renewal / Licensing / Administrative Penalties

Chiles reported the following examination results since May 1, 2016:

Cosmetology

Cosmetology – 51 pass, 9 fail

Esthetics – 19 pass, 2 fail

Cosmetology Instructor – 3 pass

Jurisprudence, probation – 5 pass, 1 fail

Jurisprudence, order – 1 pass, 3 fail

Nail Technology

Nail Technician – 8 pass, 10 fail

Nail Technology Instructor – 1 pass

Jurisprudence, probation – 1 pass

The statistics were distributed and were as follows:

Licensure Numbers:

Cosmetologist	9111
Cosmetology Instructor	180
Cosmetology Salon	2042
Cosmetology Salon Consideration Certificate	32
Electrologist	17
Esthetician	928
Esthetician Instructor	22
Esthetics Salon	47
Esthetics Salon Consideration Certificate	6
Home Service Permit	3
School of Cosmetology	17
Temporary Cosmetology Practitioner	16
Temporary Esthetician Practitioner	0
Body Art Facility	139
Body Brander	2
Body Piercer	84
Permanent Color Technician	42
Tattoo Artist	302
Nail Technician	1210
Nail Technology Instructor	12
Nail Technology Salons	179
Nail Technology Salon Consideration Cert.	5
Nail Technology Schools	5

8. ADJOURNMENT

Pettigrew declared the meeting adjourned at 2:17 p.m.

Respectfully submitted,

<hr/> Vicki Criswell, Secretary Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator